

### **REMARKS**

Entry of the foregoing amendments is respectfully requested under 37 CFR §1.116 on grounds they are directed to matters of form and place the application in condition for allowance and do not require further consideration. Please disregard the Amendment After Final Action filed December 29, 2011, as it mistakenly failed to cancel claims 43-52.

Claims 34, 36, 37, 41-49, 53-59 and 61 stand rejected for reasons described below. Claims 11, 13-15, 19, 20, 32, 62 and 63 have been allowed. The foregoing amendments cancel claims 43-49, amend independent claims 34 and 53, and amend dependent claims 36, 37, 41, 42, 54-59 and 61.

#### **Prior Art Based Rejections**

Claims 43-49 are being canceled and therefore their rejection under 35 USC 102(e) is now moot.

#### **Rejections Under Section 112, 1<sup>st</sup> Paragraph**

In the final office action dated July 27, 2000, claims 43-49 were rejected under 35 USC §112, 1st paragraph, for failing to comply with the written description requirement. Claims 43-49 have now been canceled.

Rejections Under Section 112, 2<sup>nd</sup> Paragraph

Claims 34, 36, 37, 41, 42 were rejected under 35 USC §112, 2<sup>nd</sup> paragraph, due to the indefiniteness of claim 34. Claims 34, 36, 37, 41 and 42 have been canceled by this amendment.

The examiner also rejected claims 43–49 under 35 USC §112, 2<sup>nd</sup> paragraph. As previously noted, claims 43–49 would be cancelled by entry of this amendment.

Regarding the rejection of claims 53–59 and 61 under §112, 2<sup>nd</sup> paragraph, it is respectfully submitted that the amendment to claim 53 cures the issue identified by the Examiner as creating the indefiniteness and, therefore, claims 53-59 and 61 should now be allowable. The amendments to dependent claims 55-59 and 61 are intended to confirm them to claim 53.

Entry of Amendments Requested

As all claims rejected based on prior art and §112, 1<sup>st</sup> paragraph, are being canceled, the only remaining issue is indefiniteness of independent claim 53. Because the examiner indicated that he construed the claims and applied the prior art as much as practically possible, and did not reject claim 53 on substantive grounds, it is respectfully submitted that the amendments to claim 53 would not require further searching or consideration of prior art in order to be allowed. Entry of the amendments should, therefore, clear up the remaining indefiniteness issue, placing the application in condition for allowance. Entry is respectfully requested pursuant to 37 C.F.R. §1.116.

The Examiner is invited to telephone the undersigned representative if there are additional amendments that could be made to place the application in condition for allowance.

Dated: January 13, 2012

Respectfully submitted,

By           /Marc A. Hubbard/          

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